

NEW HUD GUIDANCE ON SERVICE ANIMALS

On February 17, 2011, FHEO issued guidance to clarify that recent amendments to the regulations implementing the Americans With Disabilities Act (ADA) do NOT apply to the definition of an assistance animal for the purposes of reasonable accommodations required under the Fair Housing Act.

First, the HUD memo confirms that “species other than dogs” have been recognized as necessary assistance animals under the reasonable accommodations provisions of the Fair Housing Act and Section 504 of the Rehabilitation Act (applicable to HUD-assisted housing providers).

Second, the HUD guidance confirms that animals, with or without training, that provide emotional support have been recognized as necessary assistance animals under the reasonable accommodations provisions of the Fair Housing Act and Section 504.

The HUD guidance states that “in situations where both laws apply (ADA and Fair Housing Act), housing providers must meet the broader Fair Housing Act/Section 504 standard in deciding whether to grant reasonable accommodation requests” for assistance animals.

To read HUD’s guidance on assistance animals, go to <http://www.kingcounty.gov/exec/CivilRights/FH/HUDresources.aspx> and click on “New ADA Regulations and Assistance Animals as Reasonable Accommodations Under the Fair Housing Act and Section 504 of the Rehabilitation Act of 1973”.